

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/693,607
Applicant : Brian E. LeGette
Confirmation No. : 6475
Filed : October 27, 2003
TC/A.U. : 3765
Examiner : Sutton, Andrew W.
Customer No. : 27896
Docket No. : 0100.0020C1
Title : Ear Warmer Having a Curved Ear Portion

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §§ 1.97 & 1.98

Pursuant to the duty imposed by 37 C.F.R. §1.56 to disclose information which may be material to the patentability of the above-identified patent application, the Applicant would like to direct the Examiner's attention to the documents listed on the enclosed Information Disclosure Citation Form (PTO/SB/08A).

Applicant hereby submits the attached IDS under:

- ☐ 37 C.F.R. 1.97(b) (i.e., within three months of the filing date of the application; within three months of the date of entry of the national stage application; before the mailing of a first Office action; or before the mailing of a first Office action after the filing of a request for continued examination).
- ☒ 37 C.F.R. 1.97(c) (i.e., after the mailing of a first Office action, but before the close of prosecution). The IDS is accompanied by *one* of: The appropriate statement (indicated on Form PTO/SB08a) or (2) the fee set forth in § 1.17(p).
- ☐ 37 C.F.R. 1.97 (d) (i.e., after the close of prosecution, but on or before payment of the issue fee). The IDS is accompanied by *both* of (1) the appropriate statement (indicated on Form PTO/SB08a) and the fee set forth in § 1.17(p).

- ☒ The IDS cites foreign documents not in English. Pursuant to 37 C.F.R. 1.98(a)(3), a concise explanation of the relevance is provided as indicated below:
- ☐ Enclosed is a copy of a non-English publication(s) _____. Applicant submits an English-language version of the search report or action, which cites such non-English language publication(s) and indicates the degree of relevance found by the foreign office.
- ☒ Enclosed is an explanation of several non-English publications (see the enclosed Concise Explanation of Relevance document filed herewith) for which an English translation is not available.
- ☒ Enclosed is an English Abstract of non-English publication(s) JP 3053142 and JP 3082758 cited in the attached Form PTO/SB/08A.
- ☐ No copies of the non-English or non-patent publications listed on the attached Form PTO/SB/08A are being provided pursuant to 37 C.F.R. §1.98(d) because the publications were previously cited by or submitted to the Office in prior Application Serial No. _____, to which the above-identified application claims priority under 35 U.S.C. §120.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The Director is hereby authorized to charge any additional appropriate fees that may be required for the above-identified application, and to credit any overpayment, to Deposit Account No. **05-0460**.

Dated: November 16, 2009

Respectfully submitted by:

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